

AKIN GUMP STRAUSS HAUER & FELD LLP  
1333 New Hampshire Avenue  
Washington, D.C. 20036  
(202) 872-4000  
Sean E. O'Donnell  
Cheryl A. Falvey (CA-2074)  
*Attorneys for Defendant Wendy's International, Inc.*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ADAM JERNOW, on behalf of himself and  
all others similarly situated,

Plaintiffs,

-against -

WENDY'S INTERNATIONAL, INC.,

Defendant.

Case No. 07-Civ-3971 (LTS) (THK)

Hon. Laura Taylor Swain

**MOTION TO ADMIT**  
**COUNSEL *PRO HAC VICE***

FILED  
U.S. DISTRICT COURT  
2007 NOV -9 PM 4:41

Sean E. O'Donnell, an attorney with the law firm Akin Gump Strauss Hauer & Feld LLP, 590 Madison Avenue, 42<sup>nd</sup> Floor, New York 10022, an attorney in good standing before the United States District Court for Southern District of New York, respectfully requests this Court to admit to practice before this Court *pro hac vice* Thomas P. McLish, Esq., pursuant to Local Rule 1.3(c). Mr. McLish is a partner with the law firm Akin Gump Strauss Hauer & Feld LLP, 1333 New Hampshire Avenue, Washington, D.C. 20036.

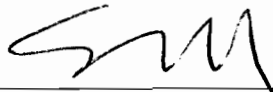
Mr. McLish is a member in good standing of the Bar of the District of Columbia and the Bar of the State of New York. There are no pending disciplinary proceedings against Mr. McLish in any State or Federal court.

Mr. McLish has unique knowledge of the facts and law pertinent to the above-captioned action, such that his appearance is necessary.

WHEREFORE, the movant respectfully requests that the Court enter an Order in the form annexed hereto granting admission *pro hac vice* of Thomas P. McLish to appear and participate in the above-captioned matter before this Court.

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

By: \_\_\_\_\_

Sean E. O'Donnell

AKIN GUMP STRAUSS HAUER & FELD LLP

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New York, New York 10022

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*Counsel for Defendant*

*Wendy's International, Inc.*

Dated: New York, New York  
November 7, 2007

AKIN GUMP STRAUSS HAUER & FELD LLP  
1333 New Hampshire Avenue  
Washington, D.C. 20036  
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**AFFIDAVIT OF SEAN E.  
O'DONNELL IN SUPPORT OF  
MOTION TO ADMIT  
COUNSEL *PRO HAC VICE***

Sean E. O'Donnell, being duly sworn, hereby deposes and says as follows:

1. I am a partner with Akin Gump Strauss Hauer & Feld LLP, counsel for Wendy's International, Inc. ("Wendy's") in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of the motion to admit Thomas P. McLish as counsel *pro hac vice* to represent Wendy's in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in June 15, 1998. I am also admitted to the bar of the

United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Thomas P. McLish is a partner of mine at Akin Gump Strauss Hauer & Feld LLP, in our Washington, D.C. office.
4. I have known Thomas P. McLish since 2000, and I know him to be a very skilled attorney with the highest moral character. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
5. Accordingly, I am pleased to move the admission of Thomas P. McLish, *pro hac vice*.
6. I respectfully submit a proposed order granting the admission of Thomas P. McLish, *pro hac vice*, which is attached hereto as Exhibit A.

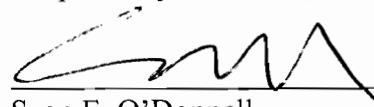
WHEREFORE it is respectfully requested that the motion to admit Thomas P. McLish, *pro hac vice*, to represent Wendy's in the above captioned matter, be granted.

Dated: New York, New York

November 7, 2007

Notarized:

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean E. O'Donnell', is written over a horizontal line.

Sean E. O'Donnell



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

THOMAS P. MCLISH

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was on the 3<sup>RD</sup> day of MAY, 1996  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on  
November 6, 2007.

GARLAND PINKSTON, JR., CLERK

By: 

Deputy Clerk

**Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department**

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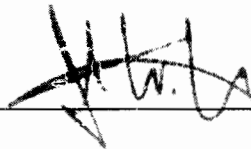
I, Catherine O'Hagan Wolfe, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**THOMAS PARKER MC LISH**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on the 7th day of August, 1989 has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

November 7, 2007



Clerk of the Court

**CERTIFICATE OF SERVICE**

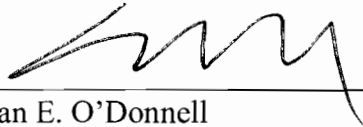
I hereby certify that I caused a true and correct copy of the foregoing Notice of Motion to Admit Counsel Pro Hac Vice to be served this 9th day of November, 2007, by first class mail notification to the following persons:

Michael R. Reese  
Kim E. Richman  
Gutride Safier Reese LLP  
230 Park Avenue, 10<sup>th</sup> Floor  
New York, NY 10169

Seth A. Safier  
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COUNSEL FOR PLAINTIFF

  
Sean E. O'Donnell

